

RULE 26

(As amended December 5, 2000)

DISCOVERY

(a) Filing of Discovery

Unless otherwise ordered by the Court, depositions upon oral examination and interrogatories, requests for documents, requests for admissions, and answers and responses thereto and disclosures made under Fed. R. Civ. P. 26(a)(1)-(3) and pursuant to scheduling orders issued by the Court, shall be served upon other parties but shall not be filed with the Court, except as required by subsection (c) of this Rule. The party that has served notice of a deposition or has served discovery papers shall be responsible for preserving and for insuring the integrity of original transcripts and discovery papers for use by the Court.

(b) Discovery Disputes

No written discovery motions shall be filed without the prior approval of a judicial officer. A party with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party shall then seek a prompt hearing with a judicial officer by telephone or in person. If the hearing is to be conducted by telephone, the Clerk will inform counsel of the time and date of the hearing and it shall be the responsibility of the moving party to initiate the telephone conference call to chambers. The recording of telephone hearings or conferences with the Court is prohibited, except with prior permission of the Court. The request for a hearing with a judicial officer carries with it a professional representation by the lawyer that a conference has taken place and that he or she has made a good faith effort to resolve the dispute.

The lawyers or unrepresented parties shall supply the judicial officer with the particular discovery materials (such as objectionable answers to interrogatories) that are needed to understand the dispute.

If the judicial officer decides that motion papers and supporting memoranda are needed to satisfactorily resolve the discovery dispute, such papers shall be filed in conformity with Rule 7. Such motions shall (1) quote in full each interrogatory, question at deposition, request for admission or request for production to which the motion is addressed, or otherwise identify specifically and succinctly the discovery to which objection is taken or from which a protective order is sought; and (2) the

response or objection and grounds therefor, if any, as stated by the opposing party.

Unless otherwise ordered by the Court, the complete transcripts or discovery papers need not be filed with the Court pursuant to subsection (c) of this rule unless the motion cannot be fairly decided without reference to the complete original.

(c) Use of Depositions and Discovery Material by the Court

If depositions, interrogatories, requests or answers or responses thereto are to be used at trial, other than for purposes of impeachment or rebuttal, the complete original of the transcript or the discovery material to be used shall be filed with the Clerk seven (7) days prior to trial. A party relying on discovery transcripts or materials in support of or in opposition to a motion shall file a copy of such transcript or materials with the memorandum required by Rule 7 as well as a list of specific citations to the parts on which the party relies. Discovery transcripts and materials thus filed with the Court shall be returned to appropriate counsel after final disposition of the case.